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July 14, 2004  
UM 2002.01  
2023980-7009813001  
afk/pn

Applicant(s): Huneln F. Maasab, et al.  
Title: Cold-Adapted Influenza Virus  
Serial No.: 08/573,569

Filing Date: December 14, 1995

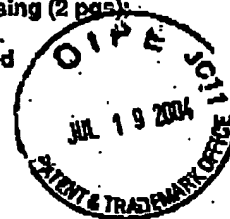
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SIR:

Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Transmittal Form (1 pg);
2. Fee Transmittal Form w/duplicate page for fee processing (2 pgs);
3. Petition for Extension of Time (three months) (1 pg);
4. Amendment and Response to Office Action (6 pgs) and Return Postcard





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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/573,569      | 12/14/1995  | HUNEIN F. MAASSAB    |                     | 5671             |

7590

09/21/2004

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SAN FRANCISCO, CA 94111-4067

**RECEIVED****SEP 24 2004**

Bingham McCutchen  
IP Docket Dept.

DATE MAILED: 09/21/2004

|                               |              |
|-------------------------------|--------------|
| EXAMINER<br>PARKIN, JEFFREY S |              |
| ART UNIT<br>1648              | PAPER NUMBER |

Please find below and/or attached an Office communication concerning this application or proceeding.

Docket: 23980-7033Action: LETTERS TO REVIEWDate Due: 11-21-2004**BEST AVAILABLE COPY**

**Notice of Abandonment**

Application No.

08/573,569

Examiner

Jeffrey S. Parkin, Ph.D.

Applicant(s)

MAASSAB ET AL.

Art Unit

1648

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 14 January 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Jeffrey S. Parkin, Ph.D.  
Examiner  
Art Unit: 1648

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 09202004

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